

REMARKS

Claims 1-3 and 5-9 are pending in the present application and are rejected. Claims 1, 2, 6, 8 and 9 are herein amended.

Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claims 1-3, 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayashi (JP 07-41244).

It is the position of the Office Action that Hayashi discloses the invention as claimed. Hayashi discloses a strip-shaped carried article folding device. Figures 2 and 3 illustrate front views of the device, while Figure 4 illustrates a side view. As illustrated in Figure 1, a conveyance object 1 is conveyed through suspension conveyance section 4 into guide object 5, which pivots back and forth along a fixed axis. As illustrated in Figure 3, the pivoting motion is performed by rocking controlling mechanism 6, which includes endless belt V, pulley P, guide rail 14, migration member 15, connection member 16 and connection lever 17. Furthermore, Hayashi includes a band-like conveyance object guidance member 8, which acts to extend tabular clinch guide plates 8A beyond the edge of guide object 5, using cylinder equipment 20, according to controlling mechanism 9. Finally, Hayashi discloses raising or lowering the entire device using rise-and-fall controlling mechanism 7, which includes rise-and-fall driving gear 18 and screw lever 19.

In response to Applicant's previous amendment to recite that both of the plate members project from the arm main body when the swing arm projects to either side, the Office Action

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acknowledges that Hayashi does not disclose this. However, the Office Action states that each plate 8A is fully capable of projecting as claimed, and that this “a mere design choice of actuation.”

With regard to the Official Notice regarding cylinders and motors as “alternatives,” the Office Action takes this as admitted. Accordingly, the Office Action states that “the modification is considered admittedly obvious to one of ordinary skill in the art.” In response, Applicant respectfully submits that the Office Action mischaracterizes Applicant’s position. Applicant merely agreed to the narrow statement that “motors and cylinders are well known in the art as alternates for actuating mechanical movement.” Additionally, Applicant qualified this statement by adding that motors and cylinders each “impart particular benefits and drawbacks.” The Office Action mischaracterizes Applicant’s position, since Applicant did not admit that cylinders and motors are necessarily interchangeable, or that it would be obvious to substitute motors for cylinders, or vice versa. Accordingly, Applicant respectfully submits that the Office Action still has not provided a suggestion or motivation in the art as to why one having ordinary skill in the art would have replaced the cylinders of Hayashi with a motor.

Additionally, Applicant respectfully submits that the Office Action’s proposed modification of Hayashi to utilize a motor instead of the cylinders would not disclose the invention as claimed. Hayashi utilizes two separately-operable cylinders 20 to extend plates 8A. On the other hand, the claims require that a telescopic operation motor extends and retracts a sub-arm, and that the independent sub-arm includes two plate members. In other words, a telescopic operation motor extends both plate members. On the other hand, if the cylinders 20 of

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Hayashi were to be replaced by a motor, two motors would be required in order to extend both plates 8A. Accordingly, Applicant respectfully submits that the proposed modification does not disclose or suggest a device having a telescoping motor which drives a sub-arm that includes two plate members.

Next, Applicant herein amends the claims to further distinguish the present invention over Hayashi. In particular, Applicant herein amends the independent claims in order to recite that "said sub-arm maintains a pre-determined distance between a lowest portion of said sub-arm and an upper surface of said continuous paper placed on the table, thereby reducing a size of a part of the continuous paper which is subjected to a wind-pressure." This feature is discussed in the specification at page 14, lines 13-34 and illustrated in Figures 14A-D. When the swing arm swings across the trajectory illustrated by the line A₁-A₂, the distance between the lower edge of the sub-arm and the upper surface of the stack of continuous sheets is kept at a predetermined distance. This is due to a reciprocating movement between swing operation motor and the telescopic motor. Accordingly, the size of the portion of the continuous sheet which is subjected to wind pressure is reduced. Thus, the undesired bending of the sheets illustrated in Figure 1 can be eliminated.

On the other hand, Hayashi discloses accommodating a belt-like conveyed object 1 up to the sides of the stowage section 2. Therefore, Hayashi has such a structure that when the guide object 5 swings, the guiding member 8 projects only on the lower side of the conveyed object 1, which is closest to the stowage section 2. Thus, the guiding member 8 comes closer to the upper surface of the stacked conveyed object. In other words, because Hayashi fails to disclose a pair

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of plate members that project from the tip of the arm main body at the upper surface side of the continuous paper when the swing arm swings, Hayashi cannot reduce the size of the part of the conveyed object which is subjected to a wind-pressure. Accordingly, Hayashi cannot prevent the conveyed object from being bent, unlike the claimed invention. Hayashi does not disclose maintaining a predetermined distance between the lower end of the guiding members 8 and the upper portion of the stacked conveyance object. Rather, these distances would vary over the course of the swinging of the guide object 5. Therefore, for at least the above reasons, Applicant respectfully submits that the claimed invention distinguishes over the cited art. Favorable reconsideration is respectfully requested.

Claims 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayashi (JP 07-41244) in view of Martin et al. (U.S. Patent No. 5,062,597).

It is the position of the Office Action that Hayashi discloses the invention as claimed, with the exception of a table that moves vertically and a detection mechanism for controlling vertical movement of the table, the device being in use with a printing apparatus, and a creasing mechanism for creasing the continuous paper in equal widths. The Office Action relies on Martin to provide this teaching.

In response, Applicant respectfully submits that claims 5 and 7 are patentable due to their dependency on claim 1, which Applicant submits is patentable for at least the reasons discussed above. With regard to independent claim 6, Applicant respectfully submits that this claim is

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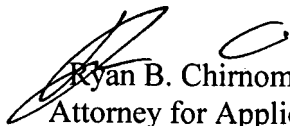
patentable for reasons similar to that of claims 1, 2, 8 and 9, discussed above. Favorable reconsideration is respectfully requested.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicant would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicant's undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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